

## **Remarks**

Prior to this communication, claims 1 – 6, and 8 – 13 are pending. Claims 1 – 6, and 8 – 13 were rejected. By this amendment, claims 1, and 12 have been amended. Examination and reconsideration of the claims in view of the following remarks are respectfully requested.

### **35 U.S.C. §103 Rejections**

Claims 1 – 6, and 8 – 11 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent 6,656,041 (“Kaminkow”) and in view of U.S. Publication No. 2004/0209672 (“Okada”).

Although Applicants disagree with the Examiner’s characterization of the teachings of Kaminkow and Okada, Applicants have amended both independent claims 1 and 12 in hope to advance the prosecution of the application.

As indicated on page 3 of the Acton, Kaminkow “does not specifically disclose that the light-diffusing element can be arranged on an opposed side of the chamber in spaced relationship relative to the panel.”

Rather, Kaminkow describes a method and apparatus for emulating a storm associated with a gaming device. Kaminkow discloses a topper unit having a blower mechanism to create an air stream that emulates winds associated with a storm. The topper unit further includes an illumination source that emulates lightning associated with a storm (see abstract). Kaminkow further discloses that the housing 58 includes an opaque or translucent plastic face plate 70 removably connected thereto which acts to diffuse the light, heightening the lightning effect. The face plate may also display the name of the primary or secondary game (column 4 lines 21-23). The face plate may also include a thunder cloud pattern that heightens the lightning effect. (Col. 5, ll. 35 – 37.)

Kaminkow’s non-disclosure of the subject matter is important. Particularly, Kaminkow discloses that

The depicted housing 58 includes an illumination device 68 (best viewed in FIG. 3) that provides a lighting effect such as simulating lightning. The housing 58 also includes a opaque or translucent plastic face plate 70 removably connected thereto which acts to diffuse the light, heightening the lightening effect. It should be appreciated that the face plate 70 may also display the name of the primary or secondary game. While an opaque or translucent plastic face plate 70 is discussed, other suitable materials are contemplated.

(Col. 4, lines 16 – 26.) In other words, even if Applicants were to construe the claimed chamber, panel, and light-diffusing element to include, respectively, element 58 of FIG. 1 of Kaminkow, element 70 of FIG. 1 of Kaminkow, and element 70 of FIG. 1 of Kaminkow that acts to diffuse light, Kaminkow considers both the element 70 of FIG. 1 and element 70 of FIG. 1 that acts to diffuse light as **one element**, instead two claimed elements as recited in claim 1. That is, Kaminkow considers only a panel that also acts to diffuse.

Secondly, the fact that Kaminkow considers only a single panel that also acts to diffuse light indicates that Kaminkow teaches away from anything being put in the single panel. That is, Kaminkow teaches away from a “gaming machine” that includes, among other things, “a light-diffusing element arranged on an opposed side of the chamber in spaced relationship relative to the panel,” and “a gaming machine illuminating arrangement arranged in the chamber between the panel and the light diffusing element,” as recited in claim 1.

In addition, Kaminkow does not teach or suggest a “gaming machine” that includes “a controller arranged to determine whether the gaming machine is in an idle state, and to illuminate the semiconductor illuminating elements in a sequential pattern when the gaming machine is in the idle state such that the panel changes from a first color to a second color,” as recited in amended claim 1.

Okada does not cure the deficiencies of Kaminkow.

Okada discloses a gaming machine that includes two displays – a “variable display means” and a “front display means.” In the arrangement described in FIGS. 35 – 37, the “variable display means” comprises mechanical reels 3L, 3C, 3R housed within the cabinet and displaying a plurality of symbols. The “front display means” is a multi-layer panel body 5 that,

in use, is positioned in front of the rotating reels 3L, 3C, 3R. FIGS. 35 and 37 show two arrangements in which the front display means may be moved relative to the variable display means.

Okada discloses a multi-layer panel body 5 that includes a liquid crystal panel 501 substantially making up the front display mean, a light guide plate 503 made of an acrylic material having a predetermined thickness forming part of a backlight structure, and a diffuser panel 504 on the rear of the light guide plate 503. (Paragraph [0086])

However, Okada does not cure the deficiencies of Kaminkow with respect to a “gaming machine” that includes, among other things, “a controller arranged to determine whether the gaming machine is in an idle state, and to illuminate the semiconductor illuminating elements in a sequential pattern when the gaming machine is in the idle state such that the panel changes from a first color to a second color,” as recited in amended claim 1.

Therefore, neither Kaminkow nor Okada, either alone or in combination, teaches or suggests claim 1.

Claim 1 and dependent claims 2 – 6, and 8 – 11 are accordingly allowable for at least the reasons set forth above.

Claims 12 and 13 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kaminkow and in view of U.S. Patent 4,714,983 (“Lang”).

Claim 12 is similarly directed to a “gaming machine” that includes, among other things, “a light diffusing element arranged on an opposed side of the chamber in spaced relationship relative to the panel,” “a gaming machine illuminating arrangement arranged in the chamber between the panel and the light diffusing element,” and “a controller arranged to determine whether the gaming machine is in an idle state, and to illuminate the semiconductor illuminating elements in a sequential pattern when the gaming machine is in the idle state such that the panel changes from a first colour to a second colour.”

As indicated on page 5 of the Action, Kaminkow fails to “teach the light-diffusing element arrange on an opposed side of the chamber in spaced relationship relative to the panel;

and a gaming machine illuminating arrangement arranged in the chamber between the panel and the light diffusing element, wherein the gaming machine illuminating arrangement is operable to provide backlighting for the panel.

Furthermore, for at least the reasons set forth above with respect to claim 1, Kaminkow does not teach or suggest “a controller arranged to determine whether the gaming machine is in an idle state, and to illuminate the semiconductor illuminating elements in a sequential pattern when the gaming machine is in the idle state such that the panel changes from a first colour to a second colour,” as recited in amended claim 12.

Lang does not cure the deficiencies of Kaminkow.

Particularly, Applicants respectfully disagree with the Examiner’s characterization of Lang with respect to the claimed chamber. The Examiner indicated that “Lang teaches a display device with a panel carrying artwork on one side and a light-diffusing panel on a different side of the game’s chamber.” (Page 5, Action.) The Examiner provided only col. 3, line 57 – col. 4, line 24 as support. Applicants recite the support as follows.

FIG. 2 shows a cross sectional view of the present invention [depicting] length L and thickness T dimensions of backlight plate 10. A diffuse reflector 52 resides between printed wiring board 58 and backlight plate 10. Diffuse reflector 52 reflects the majority of light incident upon it and scatters the reflected light in many different directions. A white sheet of paper represents one form of diffuse reflector 52.

A first cavity 40 and a second cavity 42 are shown extending inside backlight plate 10 from bottom surface 14. The cross-sectional outline of the cavity resembles a rectangle with all sides either parallel or perpendicular to top surface 12 of backlight plate 10. In this embodiment of the present invention bottom surface 14, ends 18, and walls between cavities 40 and 42 of backlight plate 10 are frosted. Top surface 12 remains polished, and end opaque sections 20 reside on top surface 12 opposing cavities 40 and 42.

Lamps 36 and 38 are energized by power supplied through conductive traces (not shown) on printed wiring board 58. Lamp 36 is inserted into cavity 40, and lamp 38 is inserted into cavity 42. Each of lamps 36 and 38 contain a light source 44 therein. Light

source 44 represents the point or small area within lamps 36 and 38 from which light is emitted. In the present embodiment lamps 36 and 38 represent incandescent lamps which emit substantially white light at a relatively high light intensity when compared to light emitted from light emitting diodes (LEDs). However, those skilled in the art will recognize that LEDs may also be used for lamps 36 and 38 and may in fact be preferred when an application calls for a colored backlight such as red, yellow, or green. Additionally, the use of two lamps provides a benefit in backlight reliability. Either one of lamps 36 or 38 may burn out. LCD 46 remains readable, although uniformity of illumination may be reduced.

(Col. 3, line 57 – col. 4, line 24) Lang, according to the quotation, does not teach or suggest “a panel carrying gaming machine artwork arranged on one side of the chamber,” as asserted by the Examiner, not to mention the lack of disclosure with respect to, such as, for example, “a controller arranged to determine whether the gaming machine is in an idle state, and to illuminate the semiconductor illuminating elements in a sequential pattern when the gaming machine is in the idle state such that the panel changes from a first colour to a second colour,” as recited in claim 12.

Therefore, neither Kaminkow nor Lang, either alone or in combination, teaches or suggests all elements of claim 12.

Accordingly, claim 12 and dependent claim 13 are allowable for at least the reasons set forth above.

No new matter has been added.

#### **Response to Examiner’s Notice**

Applicants dispute the Examiner’s assertions that “[r]earranging parts of an invention involves only routine skill in the art.” (Page 8, Action.) Because Kaminkow clearly does not disclose or suggest “a panel carrying gaming-machine artwork arranged on one side of the chamber,” “a light-diffusing element arranged on an opposed side of the chamber in spaced relationship relative to the panel,” and, “a gaming machine illuminating arrangement arranged in the chamber between the panel and the light diffusing element,” as recited, Applicants can only assume that the Office Action is taking Official Notice of the subject matter disclosed in claims 1

and 12 regarding the rearranging parts such as the claimed “panel” and “light-diffusing element” of Kaminkow involves only routine skill in the art.

Assuming the Action is asserting Official Notice that the subject of the above listed statements is common knowledge, Applicants respectfully traverse the perceived and explicit assertions as further set forth below. Alternatively, if the Action’s assertions are based on the personal knowledge of the Examiner, then under MPEP § 2144.03(C) and 37 C.F.R. § 1.104(d)(2), the assertions must be supported by an affidavit from the Examiner.

According to MPEP § 2144.03(A), Official Notice, without supporting references, should **only** be asserted when the subjects asserted to be common knowledge are “capable of instant and unquestionable demonstration as being well-known.” That is, the subjects asserted must be of “notorious character” under MPEP § 2144.03(A).

However, Applicants respectfully submit that the subject matter of the perceived and explicit assertions of Official Notice, as stated in page 8 of the Office Action, are not well-known in the art as evidenced by the searched and cited prior art. Applicants respectfully submit that the Examiner has performed “a thorough search of the prior art,” as part of the Examiner’s obligation in examining the present application under MPEP § 904.02.

Additionally, Applicants respectfully submit that the Examiner’s searched and cited references found during the Examiner’s thorough and detailed search of the prior art are indicative of the knowledge commonly held in the art. However, in the Examiner’s thorough and detailed search of the relevant prior art, none of the prior art taught or suggested the subject matter of the perceived and explicit assertions of Official Notice with regards to claims 1 and 12, as stated in page 8 of the Action. That is, the Examiner’s thorough and detailed search of the prior art has failed to yield any mention of the limitations in claims 1 and 12, which the Action concedes are not explicitly found in Kaminkow, and which the Examiner asserts are widely known in the art. Applicants respectfully submit that if the subject matter of these assertions of Official Notice had been of “notorious character” and “capable of instant and unquestionable demonstration as being well-known” under MPEP § 2144.03(A), then the subject matter would have appeared to the Examiner during the Examiner’s thorough and detailed search of the prior art.

If the Examiner had found any teaching of relevant subject matter, the Examiner would have been obligated to list the references teaching the relevant subject matter and make a rejection. Consequently, Applicants respectfully submit that the prior art does not teach the subject matter of the perceived assertions of Official Notice stated in page 8 of the Office Action and respectfully traverses the perceived assertions of Official Notice.

Applicants specifically challenge the perceived and explicit assertions of Official Notice with regard to claims 1 and 12. As stated above, Applicants respectfully traverse the perceived and explicit assertions of Official Notice and submits that the subject matter of claims 1 and 12 is not of such “notorious character” that it is “capable of instant and unquestionable demonstration as being well-known.” Under MPEP 2144.03, the Examiner is now obligated to provide a reference(s) in support of the perceived assertions of Official Notice if the Examiner intends to maintain any rejection based thereon. Additionally, the Applicant respectfully requests the Examiner reconsider the assertion of Official Notice and provide any basis for the assertions of Official Notice.

**Conclusion**

Applicant respectfully submits that all of claims 1 – 6, and 8 – 13 are allowable. In the event that the Examiner believes a telephone interview with the undersigned Applicant's Representative would be helpful in advancing prosecution of this patent application, the undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,

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